

Notice of Allowability

Application No.

10/631,968

Applicant(s)

CARROLL ET AL.

Examiner

Carl H. Layno
11/26/04

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Paper No. 10222004.
2. ☒ The allowed claim(s) is/are 5, 9-11 and 16-21.
3. ☒ The drawings filed on 22 October 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Acknowledgment is made of applicant's amendment and two-month extension of time, which were received by the Office on October 22, 2004.
2. Claims 1-4, 6-8, and 12-15 are canceled. Claims 20 and 21 have been added. Claims 5, 9-11, and 16-21 are active.

Drawings

3. Applicant's corrected formal drawings were received by the Office on October 22, 2004 and have been approved by the Examiner. Consequently, the Examiner is withdrawing the 37 CFR 1.84(p)(4) objections, which were made against Figs. 1 and 2 in the last Office action.

Claim Rejections - 35 USC § 102

4. Upon further reconsideration of applicant's amendments and claim cancellations, the Examiner is withdrawing the 35 U.S.C. 102(e) rejections based upon the references of Carter et al '358 and Johnson et al '425, which were made against claims 1, 4-8, 12, and 13 in the last Office action.

Allowable Subject Matter

5. Claims 5, 9-11, and 16-21 are allowed.

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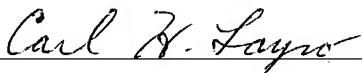
Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

Newly added claims 20 and 21 recite method claims pertaining to electrical stimulation using two pairs of surface mounted electrodes to promote osteogenesis and/or treat osteoporosis. Again, as mentioned previously for claims 9 and 16, the method of claims 20 and 21 make specific mention of using field-programmable gate arrays (FPGAs) to generate their sine-wave outputs. A follow-up prior art search failed to yield art teaching the use of these types of circuits for the purposes claimed; consequently, the Examiner also deems these claims to be allowable over the prior art of record.

Claims 9-11 and 16-19 were previously deemed to be allowable over the prior art. See "statement of reasons for the indication of allowable subject matter" in the last Office action (5/25/04).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



CARL LAYNO
PRIMARY EXAMINER

CHL
11/24/2004